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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,062	03/02/2004	Shingo Nishioka	ASA-1169	9825
7590 02/23/2007 Mattingly, Stanger & Malur, P.C. Suite 370 1800 Diagonal Road Alexandria, VA 22314			EXAMINER LEWIS, ALICIA M	
			ART UNIT 2164	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/790,062	Applicant(s) NISHIOKA ET AL.	
	Examiner Alicia M. Lewis	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



**SAM RIMELL
PRIMARY EXAMINER**

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed November 24, 2006.

Claims 1, 2 and 4-10 have been amended, thus claims 1-10 remain pending in this application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Takano et al. (US Patent Application Publication 2002/0099685 A1) ('Takano').

With respect to claim 1, Takano teaches:

inputting a search inquiry character train (paragraph 109 lines 1-3);

forming a summary word list based on said inquiry character train (paragraph 109 lines 6-9);

inputting a restricting condition for narrowing down search targets (paragraph 110 lines 4-9, paragraph 115);

searching a document database to select documents having similarity with said summary word list (paragraphs 110 and 111);

examining adaptability of each selected document to determine whether the selected document satisfies said restricting condition (paragraph 110); and

outputting as search results documents that satisfy said restricting condition among documents selected according to the similarity based on the search performed by said searching step (paragraphs 110 and 111).

With respect to claim 2, Takano teaches wherein said restricting condition is an indispensable word which is indispensable for a search target or a taboo word, or a combination of indispensable words and taboo words (paragraphs 94 and 115).

Takano teaches that Boolean expressions are used to modify queries; more specifically he discloses that AND operators may be used. Therefore, all words joined by the AND operator are considered indispensable words because they must all be present in search results.

With respect to claim 3, Takano teaches wherein said restricting condition is a search logical expression (paragraph 94).

With respect to claim 4, Takano teaches wherein a word used for said restricting condition in positive contents is also used as a keyword for an associative search (Figure 6).

Takano discloses in Figure 6 that topic words and keywords are merged, and also that the modified query expression (including restricting conditions, or logical expressions) is sent to an associative-type database to be searched. It is also obvious that a word used for restricting a query may also be used as a part of a query.

With respect to claim 5, Takano teaches wherein in said step of examining said adaptability, whether said restricting condition is satisfied or not, is discriminated with respect to each document selected by said searching step (Figure 8, paragraphs 110 and 111).

In Figure 8, Takano discloses that the query expression is modified (by restricting conditions) before the query expression is sent to a database to be searched. Therefore, the step of examining adaptability is discriminated with respect to the search result.

With respect to claim 6, Takano teaches wherein in said searching step, a document which is similar to said summary word list is selected from said document database and its adaptability is examined based on said restricting condition and, thereafter, a similarity between the document which satisfies the adaptability and said summary word list is calculated, then searching is done based on the similarity (paragraphs 113 and 125-127).

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With respect to claim 7, Takano teaches wherein in said step of forming said summary word list, said summary word list is formed from said search inquiry character train and selected source documents (Figure 7, steps T31-T35, paragraph 103).

With respect to claim 8, Takano teaches:

an input frame for inputting a search inquiry character train (element 6012 in Figure 1);

a frame for inputting restricting condition for narrowing down search targets (elements 6012 and 6015 in Figure 1, paragraph 71);

means for forming a summary word list based on said search inquiry character train (element 6011 in Figure 1, paragraph 70);

a search button for searching by using a document database of an information searching apparatus to select documents based on said summary word list, said search button instructing said information searching apparatus to search in accordance with depression of said search button (elements 1102 and 1103 in Figure 3, paragraphs 27 and 78); and

a search result display frame which receives from said information searching apparatus a search result including selected documents that have searched and selected based on said summary word list and have been examined and determined to satisfy said restricting condition and displays said search result (paragraph 27).

With respect to claim 10, Takano teaches a searching server for searching for information, comprising:

importance calculating means for calculating importance of each word among words appearing in a document set based on a frequency of each word in a document set and in said document database (paragraphs 64-65);

summary word candidate holding means for holding words, as candidates, of high importance as calculated by said importance calculating means (paragraphs 64-65);

a summary word list which is formed as a summary of a search inquiry character train and selected source documents (paragraphs 65 and 111);

similarity calculating means for calculating similarity between said summary word list and a document stored in said document database (paragraphs 67, paragraph 125 lines 11-13);

restricting condition examining means for examining whether the document is adapted to a given restricting condition for narrowing down search targets or not (Figure 8, paragraph 110); and

search result candidate holding means for holding results from said similarity calculating means and said restricting condition examining means (Figure 8, paragraph 111 lines 12-13).

3. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Simske et al. (US Patent Application Publication 2004/0064447 A1) ('Simske').

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With respect to claim 8, Simske teaches:

an input frame for inputting a search inquiry character train (paragraph 14);

a frame for inputting restricting condition for narrowing down search targets (paragraphs 14, 59 and 81);

means for forming a summary word list based on said search inquiry character train (paragraphs 14, 39 and 150-151);

a search button for searching by using a document database of an information searching apparatus to select documents based on said summary word list, said search button instructing said information searching apparatus to search in accordance with depression of said search button (paragraphs 60 and 82); and

a search result display frame which receives from said information searching apparatus a search result including selected documents that have searched and selected based on said summary word list and have been examined and determined to satisfy said restricting condition and displays said search result (paragraphs 61, 65 and 160).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simske et al. (US Patent Application Publication 2004/0064447 A1) ('Simske') in view of Yang et al. (US Patent Application Publication 2003/0163453 A1) ('Yang').

With respect to claim 9, Simske teaches claim 8.

Simske does not teach wherein the frame for displaying the search result searched by using said document database and the frame for inputting said restricting condition are displayed in parallel onto the same display screen.

Yang teaches a method for narrow search for books on the Internet (see abstract) in which he teaches wherein the frame for displaying the search result searched by using said document database and the frame for inputting said restricting condition are displayed in parallel onto the same display screen (Figure 2, paragraph 11).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Simske by the teaching of Yang because wherein the frame for displaying the search result searched by using said document database and the frame for inputting said restricting condition are displayed in parallel onto the same display screen would enable a method for continuously narrowing down search results (without starting a new search) until either the database is exhausted or desired search results are found (Yang, paragraphs 4 and 7).

Response to Arguments

6. Applicant's arguments filed November 24, 2006 have been fully considered but they are not persuasive. Applicant argues that there is no suggestion in Takano that allows the forming of a summary word list based in the search inquiry character train and the inputting of a restricting condition for narrowing down search targets as in the present invention. Examiner disagrees. Takano teaches throughout his application that queries are analyzed and a topic word set is produced by summarizing means (paragraph 109). Therefore the topic word set is based on the search inquiry. Furthermore, Takano teaches in paragraph 115 that Boolean expressions may be input to modify query expressions. More specifically he teaches that the AND Boolean expression may be used. It is well known in the art that the AND Boolean expression narrows search targets because it requires all conditions joined by the AND to be true.

Remarks

7. Examiner would like to note that the Assignee data was NOT available when the first office action, mailed August 23, 2006, was sent out. The assignment data was received after the mailing of the first office action, and caused the previous 103 rejection of Takano in view of Yang to be withdrawn and a new 103 rejection to be applied. Because the new ground of rejection was necessitated by the new assignment data, this action will be made final.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis
February 7, 2007


SAM RIMELL
PRIMARY EXAMINER